

CA NO. 82-6721
THE UNITED STATES SUPREME COURT
TERM _____
OLGA OGROD AND GREG J. OGROD, APPELLANTS

RECEIVED

MAY 12 1983

OFFICE OF THE CLERK
SUPREME COURT, U.S.

VS.

SCHOOL DISTRICT OF PHILADELPHIA, APPELLEE
ON
APPEAL FROM THE UNITED STATES COURT OF APPEALS
THIRD CIRCUIT

CA. No. 80-2543 - D.C. No. 80-2508

A P P E A L

Ms. Olga Ogrod
on behalf of
Greg J. Ogrod, a minor
Tomlinson Ct. Apts. F-7A
1761 Foster Street
Phila., Pa. 19116

Note:- This case grows out of 81-6 98
U. S. Dist. Ct. No. 80-C169
U. S. Court of Appeals 80-2019

Orig. filed 3-3-83
re-filed 4-15-83
re-filed 5-12-83

RECEIVED

APR 18 1983

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE UNITED STATES SUPREME COURT
FROM THE UNITED STATES COURT OF
APPEALS
EASTERN DISTRICT OF PENNSYLVANIA

OLGA OGROD AND GREG J. OGROD,

Appellants

v.

SCHOOL DISTRICT OF PHILADELPHIA,

Appellee

C.A. # 80-2543

D.C. # 80-2508

A P P E A L

Ms. Olga Ogrod
Tomlinson Ct. Apts. F-7A
1761 Foster Street
Phila., Pa. 19116

Note:- This case grows out of No. 81-6998
U. S. Dist. Ct. No. 80-0169
U. S. Court of Appeals 80-2019

Orig. filed 3-3-83
Re-filed 4-15-83

IN THE UNITED STATES SUPREME COURT
FROM THE UNITED STATES COURT OF APPEALS
EASTERN DISTRICT OF PENNSYLVANIA
OLGA OGROD AND GREG J. OGROD, APPELLANTS

V.

SCHOOL DISTRICT OF PHILADELPHIA

CA. No. 80-2543

DC. No. 80-2508

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS WITHOUT PAYMENT OF FEES
OR COSTS OF PRINTING OF RECORD

AFFIDAVIT

APPELLANT, Olga Ogrod, being duly sworn according to law deposes and says in support of Motion for Leave to Proceed Without Being Required to Repay Costs or Fees:

1. She is the Appellant and mother of minor son, GREG J. OGROD, in the above entitled case.

2. She has REACHED POVERTY after twelve years of payment of legal costs. Appellant has been forced to remove minor son from Philadelphia Public School System, the result of child abuse, physical as well as psychological, paying high tuition costs in private schools and tutoring centers. Because of aforesaid, Appellant is unable to pay costs of said cause nor give security for same.

3. I believe I am entitled to the redress I seek in said cause.

4. The nature of said case is briefly stated as follows:

GREG J. OGROD, a minor and former student of Philadelphia Public School System was the victim of continued series of physical as well as psychological abuse incidents perpetrated by teachers of said system. To condone such abuse, said child was psychologically evaluated without Appellant's full knowledge and informed consent - INVASION AND INTRUSION OF APPELLANT'S PERSONAL PRIVACY (BUCKLEY AMENDMENT) .

IN THE UNITED STATES SUPREME COURT
FROM THE UNITED STATES COURT OF APPEALS
EASTERN DISTRICT OF PENNSYLVANIA
OLGA OGROD AND GREG J. OGROD, APPELLANTS
VS.

SCHOOL DISTRICT OF PHILADELPHIA

CA. No. 80-2543

D.C. No. 80-2508

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS WITHOUT PAYMENT OF FEES
OR COSTS OF PRINTING OF RECORD
AFFIDAVIT

They have placed a STIGMA in my son's system of educational records, crippling his present as well as his future education, labeling my son EMOTIONALLY DISTURBED and NOT the perpetrators. A psychologist of the Philadelphia Public Schools UNKNOWN TO APPELLANT has made derogatory statements and recommendations for the appellant and delved into Appellant's family pulling facts out of thin air, totally UNRELATED TO EDUCATION.

Greg J. Ogrod, the minor son of Appellant has received multiple awards from Mayor Rizzo, Police Commissioner O'Neil, Greater Northeast Civic Association, Channel 3 News - T.V. - Philadelphia Daily News, for his extreme presence of mind when only eight years, saving the life of Committeewoman Jean Gould, while risking his own.

APPELLANT is estopped from enrolling her son at the George School as well as other quality schools because of the STIGMA the Philadelphia School System placed in their educational system of records. My son's future superior inventive potential is being retarded because of this stigma.

THE PRIVACY ACT states a parent must receive copy of requested records within forty-five (45) days; original request made 6-22-78 and to date, Appellant has not received copy of tests performed to STIGMATIZE minor son as well as self.

IN THE UNITED STATES SUPREME COURT
FROM THE UNITED STATES COURT OF APPEALS
EASTERN DISTRICT OF PENNSYLVANIA
OLGA OGROD AND GREG J. OGROD, APPELLANTS
VS.
SCHOOL DISTRICT OF PHILADELPHIA

CA. No. 80-2543

DC. No. 80-2508

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS WITHOUT PAYMENT OF FEES OR
PRINTING OF RECORD - SWORN TO AFFIDAVIT

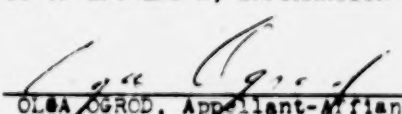
APPELLANT, Olga Ogrod, being duly sworn according to law, deposes and says in support of Motion for Leave to Proceed Without Payment of Fees or Printing of Record on Appeal:

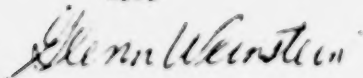
1. I am the APPELLANT in the above entitled appeal and the mother of minor son, GREG J. OGROD.
2. Because of continuous legal fees for excess of twelve years, I have now reached poverty and am unable to pay further legal fees or costs.
3. I can no longer give security for same.
4. I believe I am entitled to the redress I seek in said appeal.

APPELLANT FURTHER STATES FACTS SET FORTH IN JURISDICTIONAL STATEMENT ARE TRUE AND CORRECT TO BEST OF KNOWLEDGE, INFORMATION AND BELIEF.

SWORN TO AND SUBSCRIBED

THIS 15th DAY OF April
1983


OLGA OGROD, Appellant-Affiant
on behalf of GREG J. OGROD, a minor



GLENN WEINSTEIN
Notary Public, Phila. Phila. Co.
My Commission Expires Dec. 14, 1985

IN THE UNITED STATES SUPREME COURT
FROM THE UNITED STATES COURT OF APPEALS
EASTERN DISTRICT OF PENNSYLVANIA
OLGA OGROD AND GREG J. OGROD, APPELLANTS

VS.

SCHOOL DISTRICT OF PHILADELPHIA

C.A. No. 80-2543

D.C. No. 80-2508

O R D E R

AND NOW TO WIT, ON CONSIDERATION OF THE
ATTACHED MOTION AND AFFIDAVIT OF THE APPELLANT, IT IS ORDERED
THAT LEAVE OF THIS HONORABLE COURT IS GRANTED TO THE APPELLANTS
TO COMMENCE AND PROSECUTE THIS ACTION IN FORMA PAUPERIS, WITHOUT
REPAYMENT OF COSTS OR GIVING SECURITY FOR SAME, THEREOF, OR REPAYMENT
OF PRINTING OF RECORD ON APPEAL.

IT IS ORDERED THAT COUNSEL BE APPOINTED TO ASSIST
APPELLANTS.

By the Court

DATED.....

Justice

CA NO. _____

THE UNITED STATES SUPREME COURT

TERM _____

OLGA OGROD AND GREG J. OGROD, APPELLANTS

VS.

SCHOOL DISTRICT OF PHILADELPHIA
ON

APPEAL FROM THE UNITED STATES COURT OF APPEALS

THIRD CIRCUIT

C.A. No. 80-2543 - D.C. No. 80-2508

JURISDICTIONAL STATEMENT

Orig. filed 3-3-83
re-filed 4-15-83
re-filed 5-12-83

Olga Ogrod
and Greg J., a minor
Tomlinson Ct. Apts. F-7A
1761 Foster Street
Phila., Pa. 19116

CA NO. _____

THE UNITED STATES SUPREME COURT

TERM _____

OLGA OGROD AND GREG J. OGROD, APPELLANTS

VS.

SCHOOL DISTRICT OF PHILADELPHIA

ON

APPEAL FROM THE UNITED STATES COURT OF APPEALS

THIRD CIRCUIT

TABLE OF CONTENTS

	<u>Page</u>
A. QUESTIONS PRESENTED	1
B. PARTIES TO PROCEEDING	1
C. TABLE OF AUTHORITIES	1
Civil Rights Act of 1964	
Public Law 88 352 July 2, 1964	1
Title 4 Sec. 401 et seq	
Buckley Amendment	
Public Law 93 56 Sec. 2 -Dec. 31,	1
1974 U. S. Stat. at Lge. 93rd Cong.	
2nd Session 1974	
28 USC 1331	1
D. OPINIONS DELIVERED IN COURTS BELOW	att. Appendix
E. STATEMENT OF GROUNDS THE COURT'S JURISDICTION IS INVOKED	2
F. THE CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES, ORDINANCES AND REGULATIONS THAT THE CASE INVOLVES	2
G. CONCISE STATEMENT	2 3
H. A STATEMENT OF THE REASONS WHY THE QUESTIONS PRESENTED ARE SO SUBSTANTIAL AS TO REQUIRE PLENARY CONSIDERATION WITH BRIEFS ON MERITS	3 4
I. not applicable	
J. APPENDIX - attached	

IN THE UNITED STATES SUPREME COURT
FROM THE UNITED STATES COURT OF APPEALS
(Third Circuit)
EASTERN DISTRICT OF PENNSYLVANIA
OLGA OGROD AND GREG J. OGROD, APPELLANTS
VS.

SCHOOL DISTRICT OF PHILADELPHIA
CA. NO. 80-2543 - DC. No. 80-2508

JURISDICTIONAL STATEMENT

(A) QUESTIONS PRESENTED

1. DOES SUMMARY JUDGMENT OR RES JUDICATA APPLY TO THE CIVIL RIGHTS ACT OF 1964 OR TO THE BUCKLEY AMENDMENT?
2. DOES THE BUCKLEY AMENDMENT APPLY TO ALL STUDENTS AND PARENTS OF MINOR STUDENTS WITHIN ITS MEANING EXCEPT ONE BECAUSE OF NATIONAL ORIGIN?
3. DOES A LOCAL EDUCATION AGENCY WITHIN THE EXECUTIVE BRANCH OF THE FEDERAL GOVERNMENT HAVE A RIGHT TO HOLD BACK A RECORD REQUESTED FIVE YEARS AGO, WHEN THE BUCKLEY AMENDMENT STATES THE MAXIMUM PERIOD OF TIME IS FORTY-FIVE DAYS?
4. DOES A LOCAL EDUCATION AGENCY WITHIN THE EXECUTIVE BRANCH OF FEDERAL GOVERNMENT HAVE A RIGHT TO PERFORM A PSYCHOLOGICAL WITHOUT FULL CONSENT AND KNOWLEDGE, DELVE INTO FAMILY HISTORY MAKE DEROGATORY STATEMENTS ABOUT PARENT PSYCHOLOGIST HAS NEVER MET, PLACE SAME IN SYSTEM OF RECORDS TO STIGMATIZE BOTH PARENT AND CHILD?
5. DOES A MINOR CHILD AND PARENT OF SAME MINOR CHILD HAVE TO SUFFER THROUGH FIVE YEARS OF COURTS, COSTS, LEGAL FEES AND THE DENIAL OF PLACING A CHILD IN PRIVATE SCHOOL BECAUSE OF STIGMA, DESTROYING THE CHILD'S FOUNDATION AND FUTURE?

(B) PARTIES TO PROCEEDING

Olga Ogrod and Greg J. Ogrod, minor son, Appellants
School District of Philadelphia (LEA), Appellee

(C) TABLE OF AUTHORITIES

Civil Rights Act 1964-Public Law 88 352-July 2, 1964
Title 4-sec. 401 et seq
Buckley Amendment -Public Law 93 560 Sec # 2 -Dec. 31, '74
U.S. Stat. at Lge. 93rd Cong
2nd Session 1974

IN THE UNITED STATES SUPREME COURT
FROM THE UNITED STATES COURT OF APPEALS
(Third Circuit)
EASTERN DISTRICT OF PENNSYLVANIA
OLGA OGROD AND GREG J. OGROD, APPELLANTS
VS.

SCHOOL DISTRICT OF PHILADELPHIA
CA. No. 80-2543 - DC. No. 2508

JURISDICTIONAL STATEMENT

(B) OPINIONS DELIVERED IN COURTS BELOW

Opinions attached confirming SUMMARY JUDGMENT as
RES JUDICATA.

(E) STATEMENT OF GROUNDS THE COURT'S JURISDICTION IS INVOKED

(1) This appeal falls within 28 U.S.C. 1331, the Civil Rights Act of 1964 and the Buckley Amendment.

(2) December 30, 1982, Order of Court of Appeals affirmed District Court order. (attached)

Petition for Rehearing Denied - January 25, 1983(att.)

Notice of Appeal(attached)filed in U. S. Court of Appeals on January 28, 1983 { attached}.

(3) The Civil Rights Act of 1964 Public Law 88-352-July 2, 1964 - Title 4 - Sec. 401 et is one of the few statutes that permits appeals (direct) to the United States Supreme Court in conjunction with the Buckley Amendment and 28 U.S.C. 1331.

(F) The Civil Rights Act states " "no child shall be deprived by a school board of equal protection of the laws because of his national origin". The Buckley Amendment states you must receive requested records within forty-five (45) days of request.

(G) CONCISE STATEMENT

The United States District Court for the Eastern District of Pennsylvania has violated and ignored an Act of Congress in the violation of Appellant's Constitutional Rights under the United States Constitution and the laws thereof, namely the Civil Rights Act of 1964 enterring a SUMMARY JUDGMENT order in favor of a Local Education Agency within the Executive Branch of the Federal Government. The United States District Court has violated Appellant's

IN THE UNITED STATES SUPREME COURT
FROM THE UNITED STATES COURT OF APPEALS
(Third Circuit)
EASTERN DISTRICT OF PENNSYLVANIA
OLGA OGROD AND GREG J. OGROD, APPELLANTS

VS.

SCHOOL DISTRICT OF PHILADELPHIA
CA. NO. 80-2543 - NO. DC. 89-2508

JURISDICTIONAL STATEMENT

RIGHT TO ACCESS OF SCHOOL RECORDS WITHIN A MAXIMUM PERIOD OF (45) (FORTY-FIVE DAYS) OF REQUEST WITH ENTRY OF "SUMMARY JUDGMENT" and UNITED STATES COURT OF APPEALS has UPHELD same. (U.S. Dist. Ct. No. 80-C169 - U. S. Court of Appeals East. Dist 80-2019).

The United States District Court has further violated Appellants' Constitutional Rights to access of school records treating SUMMARY JUDGMENT as RES JUDICATA in this instant case and the United States Court of Appeals has confirmed same.

(H) This is a case of great national interest with a compelling force to be heard by the U. S. Supreme Court and not a political issue and affects all families in the United States and the preservation and protection of their rights as established by the BUCKLEY AMENDMENT. (Public Law 93-568 Section # 2 - December 31, 1974 - U.S. STATUTES AT LARGE - 93rd Congress 2nd Session 1974) The CIVIL RIGHTS ACT OF 1964 (Public Law 88-352 July 2, 1964 - Title 4 Sec. 401 et seq) is one of the few statutes to right the wrong and alleviate non-compliance and discrimination because of national origin.

The BUCKLEY AMENDMENT as adopted for protection of individuals against the intrusion of their privacy and ready access to such records is not being complied with and this being the case, affects every citizen of the United States. Because it falls under CIVIL RIGHTS ACT OF 1964, the United States Supreme Court by statute must hear this. The CIVIL RIGHTS ACT OF 1964 requires that a three-judge court be convened with direct appeal to the United States Supreme Court; this being the case, orders of United States District Court and United States Court are INVALID.

IN THE UNITED STATES SUPREME COURT
FROM THE UNITED STATES COURT OF APPEALS
(Third Circuit)
EASTERN DISTRICT OF PENNSYLVANIA
OLGA OGROD AND GREG J. OGROD, APPELLANTS

VS.

SCHOOL DISTRICT OF PHILADELPHIA
CA. NO. 80-2543 - DC NO. 80-2508

JURISDICTIONAL STATEMENT

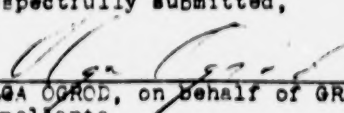
Within the meaning of the CIVIL RIGHTS ACT OF 1964 the United States Court of Appeals does not have authority to rule or review an order made by a single judge when the statute calls for a three-judge panel.

According to CIVIL RIGHTS ACT OF 1964, the United States Supreme Court has jurisdiction to hear appeal directly. The issues atlarge are urgent and of such compelling national force to affect every citizen of the United States and his Civil Rights as protected by the Civil Rights Act of 1964 and the Buckley Amendment.

In view of the great national Constitutional issue affecting every citizen and each citizen's right under the United States Constitution, protected by the Civil Rights Act of 1964 and the Buckley Amendment, Appellants invoke the United States Supreme Court to immediately appoint counsel to represent Appellants, Olga and Greg J., her minor son before the United States Supreme Court and to bring about justice and compliance of the BUCKLEY AMENDMENT AND CIVIL RIGHTS ACT OF 1964

Respectfully submitted,

Orig. filed 3-3-83
re-filed 4-15-83
re-filed 5-12-83



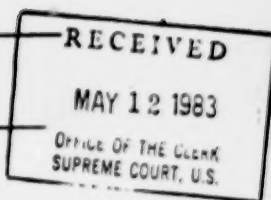
OLGA OGROD, on behalf of GREG J., a minor
Appellants

CA NO. 82-6721
IN THE UNITED STATES SUPREME COURT
TERM _____

OLGA OGROD AND GREG J. OGROD, APPELLANTS
VS.

SCHOOL DISTRICT OF PHILADELPHIA, APPELLEE
ON
APPEAL FROM THE UNITED STATES COURT OF APPEALS
THIRD CIRCUIT

C.A. NO. 80-2543 - D.C. No. 80-2508



(J) JURISDICTIONAL STATEMENT APPENDIX

Ms. Olga Ogrod
on behalf of
Greg J. Ogrod, a minor
Tomlinson Ct. Apts.
1761 Foster Street
Phila., Pa. 19116

NY 1004

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

OLGA OGROD
and
GREG J. OGROD, a minor
Plaintiffs
v.
SCHOOL DISTRICT OF PHILADELPHIA (LEA)
Defendant

: ^{LEADS}
: Pollock
: Civil Action:
: 80-2508

COMPLAINT *JURY DEMAND*

I. JURISDICTION

This action, a continuous action since the original filing of complaint on January 11, 1960 (court docketing receipt attached) within two years from date on which cause of action arose, is brought by plaintiffs against School District of Philadelphia, a Local Education Agency (LEA), an "establishment" within the Executive Branch of Federal Government; namely, an "establishment" within the Department of Health, Education and Welfare, an Executive Department of the Federal Government.* (H.E.W name changed to Department of Health and Human Services with Department of Education formally established on May 4, 1960.)

The School District of Philadelphia, Board of Education, being a Local Educational Agency, and "establishment" within the Executive Branch of Federal Government having a "system of records" namely Educational Records, is subject to 5 U.S.C. 552a APA enacted to protect "privacy" of individuals and as a recourse for the violation of "intrusion of privacy".

Jurisdiction is conferred by the United States Administrative Procedures Act - specifically 5 U.S.C. s. 552 a (g) (1) CIVIL REMEDIES (B) (C) (D) which states "the individual may bring a civil action against the agency and the District Courts of the U. S. shall have jurisdiction in the matters under the provisions of this subsection."

CIVIL REMEDIES - (5)- An action to enforce any liability created under this section may be brought in the district court of the United States in the district in which the complainant resides or has his principal place of business or in which the agency records are situated or in the District of Columbia, without regard to the amount in controversy within two years from the date on which the cause of action arose, except where an agency has materially and willfully misrepresented any information required under this section to be disclosed to an individual and the information so misrepresented is material to establishment of liability of the agency to the individual under this section, the action may be brought within two years after discovery by the individual of the misrepresentation.

(h) Rights of Legal Guardians - Parent-plaintiff has right as legal guardian to act on behalf of minor son.

Beside the above, Federal jurisdiction is conferred on the U. S. District Court for a violation of Civil Rights secured by the Equal Protection clause of Fourteenth Amendment of the United States Constitution; plaintiffs having been denied equal protection of the laws, discriminated against and treated differently.

II. PARTIES

Olga Cgrod, parent-mother brings this action on behalf-Greg J. Cgrod, a minor son, as well as herself, Greg J. Cgrod is a student in the School District of Philadelphia, (LEA), a public school system, an "establishment" within the Executive Branch, a Branch of the Federal Government. Olga Cgrod is parent-legal guardian of student in public school system in the School District of Philadelphia.

The School District of Philadelphia is a local educational agency (LEA) under the Department of Education.

III. STATEMENT OF FACTS

The School District of Philadelphia (L3A) has discriminated against Greg J. Cgrod, a minor student and Olga Cgrod, parent-guardian of minor son and student in violation of Federal Rules as applied for the protection of civil rights of parent and child, namely: ss. 121A504 Prior Written Notice parent consent
ss. 121A505- Content of Notice:

The School District of Philadelphia has psychologically evaluated Greg J. Cgrod without written notice or (knowing) consent invading the privacy of minor student and parent-guardian of minor student.

On JANUARY 30, 1978, a Psychological Evaluation of Greg J. Cgrod was evidently administered as evidenced in attached Psychological Report. (To date, parent-guardian of minor student has not received a copy of same test performed (whatever) - repeated requests made since 6-22-78)

Said Psychological was evidently performed after child's removal from Mrs. Muddle's class, (teacher - Loesche School) at parent-guardian's request in December of 1977 for "child abuse". Said teacher continuously banged minor student's head on desk, pulled arms back, ordered student to sit on floor like a dog; stating if he was good, and fetched paper for her, she'd give him a bone. Minor son came home with headaches, dirty clothes and sore arms. Parent guardian called District # 6 Superintendent when minor son came home with a large bruise on hip from Mrs. Muddle pushing child into corner of library table and child was not able to eat dinner. Said parent guardian demanded immediate removal child from teacher's class or she would swear out a warrant.

minor-student placed in Mr. Lester Perkins class at Loesche School sometime in December of 1977 who have had to make some kind of written teacher's referral for Psychological Evaluation. (To date, parent-guardian has not received copy of teacher's written referral-repeated requests made since June 1978).

January 11, 1979, Loesche School counselor "telephoned" parent-guardian at work to come to school to immediately sign paper for testing of minor-student, not stating it was to be a Psychological.

On January 12, 1978, said form was left with school secretary who stated I must sign it; there was no reading of rights or prior written notice or (knowing consent) or explanation of what tests were being performed (attached exhibit - letter Mr. Jacobs, Principal - Loesche School, Tomlinson and Bustleton Ave, Phila., Pa. 19116. To date, Mr. Jacobs has not replied. Letter sent to Mr. Jacobs, Principal - June 22, 1978. Copy of parent's form not received until Parent-Plaintiff wrote to Privacy Office, Dept. of Health, Education and Welfare. - October 2, 1979-received same.

On January 30, 1978, said tests "whatever" were performed as evidenced in Psychological Report without parent-guardian's (knowing) consent. (Exhibit attached)

In April of 1978, another "telephone" call was received at work of Plaintiff-Parent to come in immediately to sign another form for further tests. Concerned for son's welfare, Plaintiff-Parent suggested the school send form home with child. Upon receipt of same, plaintiff-parent became totally aware that these tests were not just "tests" but Psychological tests delving into Privacy of plaintiffs and took extensive time off from employment to legally research what legal rights her son as well as she had. She was advised not to sign form but return to Mr. Jacobs with letter dated June 22, 1978 -which still remains unanswered. (exhibit attached).

Realizing for first time, minor son was being "railroaded" to protect an abusive teacher, plaintiff-parent guardian applied to various private schools (attached exhibit-George School). Plaintiff-parent has been estopped from applying to private schools because of Psychological in record and refusal of School District of Philadelphia (LEA) to produce copies of ALL RECORDS for almost seventeen times the time allotted for the production of records, namely 45 days. Approximately 735 days have lapsed since written request to Mr. Jacobs, Principal on June 22, 1978. Plaintiff-Parent has not received actual tests whatever performed, Mr. Perkins' written referral for such tests, or projected dated the Psychologist relied on to make her evaluation.

Requests for records were not honored until parent-guardian wrote to Privacy Act Office in Washington, after ignored repeated requests to the School District of Philadelphia (LEA), since June 22, 1978 in letter to Mr. Jacobs. Folder for Greg received in October of 1979 with records requested invading privacy of plaintiffs withheld-namely- the Psychological Test and Mr. Perkins' teacher's referral of minor son whatever "projected" data Psychologist used in her evaluation of minor son. (exhibits attached). Federal law states there must be access to same within a "reasonable period" of time not to exceed 45 days.

The School District of Philadelphia (LEA) under "Commissioner of Education" has discriminated against plaintiffs under Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution, disregarding all Federal Laws for protection of parent and child and have invaded privacy of both to protect an abusive teacher. The School District of Philadelphia (LEA) has performed a Psychological test without parent-guardian's (knowing) consent.

Without knowing consent, a school psychologist has tested a minor child, labeled him based on whatever tests she has performed, obtained projected data whatever that is meant and made recommendations.

The said School District of Philadelphia has further invaded "PRIVACY" of parent plaintiff she has never met to make recommendations for plaintiff-parent referring in Psychological Report "family interactions" she has never witnessed. (Psychological Report attached).

The School District of Philadelphia (LSA) is continuing it's discrimination of plaintiffs: On January 11, 1960- original Complaint docketed. On January 14, 1960 minor son came home with a Request to Evaluate" form from Mr. Kessel Counselor at the Baldi School. It was given to son by counselor when child inquired if Resource Center would bring up his reading levels as a classmate attended same. Mr. Kessel told child to take it home immediately and get Plaintiff-Parent to sign, stating to son: "we've been trying to test you for two years". An accompanying classmate stated "but you haven't been at this school for two years" (att. exh.)

A few days, there was a "telephone" call at work of plaintiff-parent to sign and return same. Plaintiff-parent called Ida Kravitz of Reading Dept. School District of Philadelphia and she stated child was performing in his upper half of students in Philadelphia and why would a counselor send a form home like that. Plaintiff-Parent spoke to Mr. Bonner of Math Department who stated Math level is slightly below performance, but child could easily catch up and it's probably something simple he must master; stating he was in no need of a Resource Center.

School District of Philadelphia authorities have on more than one occasion pressured plaintiff-parent to sign same and return.

Said minor son, Greg Ogrod, continues to be abused, the abuse compounded since filing of Complaint:

On April 16, 1960, son came home from school with a lump on head the size of an egg, inflicted by Mr. Liebskine, his Science teacher who hit him on the head with a huge ring. In complaining to Mr. Kessel, same teacher squirted his face with a syringe full of water.

Within three weeks of lump on head, son came home from school on May 6th with a headache, the marks of his teacher's fingers imprinted in his neck, torn shirt. Mr. Harry Epstein, his Homeroom and Social Studies Teacher who choked him, banged his head against a door, threw son to floor for talking when he entered his room. This incident of "child abuse" was reported to child abuse hotline, documented with police who have suggested obtaining a warrant. My son had to be treated at a hospital for this criminal attack. At the end of the day, my son was called into Mr. Horwitz' office the Vice Principal and told he was suspended, with no other explanation. These two child abuse professionals who have criminally assaulted my son, have, also, failed him in their respective major subjects although son has done passing work. Child has spent months doing research on a Rodent Report for Science Class brought it in two days before due and it still remains unmarked or unrepresented, but Mr. Liebskine has given him a final grade of "E". (Exhibits attached) The School District authorities have used the grading system in the discrimination of my child. Although son has done passing work in all four major subjects, he has gotten four E's and must go to Summer School so not to repeat a grade at more expense to Plaintiff-parent. (att. exhibits). Parent of minor son has been informed said grading was cumulative, but in researching same with authorities at Pedagogical Library and Dept. of Education in Harrisburg, found there is no school code relative to cumulative system as stated by Mr. Ehrlich, Principal, Mr. Horowitz and Mrs. Eizen who unjustifiably failed son for Social Studies last year. (exh.) Authorities in Curriculum Office have stated there is no cumulative school code, but a Principal and teacher decide who is to fail or pass. In questioning if a child could be discriminated against, said authority stated it was possible, but hopefully it would not happen.

Said minor son, continues to be discriminated against because he is of different ethnic background than ninety percent of staff, abused educationally as well as physically and Parent-Plaintiff is estopped from removing child and placing son in a quality educational facility where minor son will not be abused.

IV. VIOLATION OF LAW

Said actions and omissions of the School District of Philadelphia (LEA) violate the rights secured by the Equal Protection Clause of the Fourteenth Amendment to the U. S. Constitution, have discriminated against plaintiffs, violating the Federal Rules and invading privacy of plaintiffs. Reported requests have been made for over two years for tests performed, Mr. Perkin's Teacher's Recommendation, projected data, all in violation of 45 day compliance as per Federal Law.

V. RELIEF PRAYED

(a) As per 5 U.S.C. s. 552a (Records Maintained on Individuals) specifically 5 U.S.C. s. 552a (g) (1) CIVIL REMEDIES (B) (C)(D), the plaintiffs request the U. S. District Court to get copies of actual tests performed, Mr. Perkins' Teachers Referral for same and all projected data psychologist collected to make recommendations for Plaintiff-Parent she has never met, grossly intruding Plaintiff-Parent's privacy as protected by Federal laws.

(b) Remove Psychological Report obtained without full consent and informed knowledge as per Federal Law, as it is adverse to plaintiffs and a violation of their privacy. The same report is a "stigma" in the records performed underhanded to protect abusive teachers. Teachers who have quite recently abused my child and I have never met have full access to my son's records and the Psychological contained within and have treated my son differently.

(c) Award the plaintiffs herein their costs and reasonable attorney's fees.

(d) Award damages in excess of \$100,000.00 for the intrusion of privacy as protected by Federal Laws sustained by plaintiffs, the abuse inflicted as a result of same, the academic damage of two years lost in a quality instruction school level, Parent-Plaintiff is estopped from enrolling son in a future high school like George School as records must be submitted by September of '80.

(e) Have Mrs. Eizen change E to a passing grade or substantiate with concrete records how she derived this mark in Social Studies in June of 1979.

(f) Add to records the awards and citations received while in attendance at Loesche for outstanding citizenship, saving the life of a committeewoman when only eight years. Said awards presented by the Mayor, Police Commissioner O'Neill, which was televised on Channel 3, the Greater Northeast Civil Center, City Council, a Congressional Citation, Newspaper citations - and the Loesche School totally ignored all this while Mrs. Muddle abused son. If minor son was of a different ethnic background, he would have been honored by the school and this would become part of his record, not discriminated against and abused.

(g) Have all four teachers who have failed son with an E change mark or substantiate same. The School District of Philadelphia has used the marking system to discriminate against minor son because of Federal Court Suit; two of four teachers have physically abused my minor son.

(h) Make any other correction after ALL records are received as per Federal Law.

Respectfully submitted,

Ella Cgrod, Plaintiff
on behalf of Greg J. Cgrod, a minor

Tomlinson Ct. Apts. F-7A
1761 Foster Street
Phila., Pa. 19116

Filed Dist Ct. 6-27-80

August 23, 1979

FAMILY EDUCATIONAL RIGHTS
AND PRIVACY ACT OFFICE
Dept. of Public Health, Education
and Welfare
330 Independence Avenue S.W.
Washington, D. C. 20202

To Whom It May Concern:

On June 12, 1978 the enclosed letter
was sent to various school personnel as denoted with the
the only response a Psychological Report which I to my
knowledge would never give written permission to perform.

My Constitutional Rights as well as
my son's have been severely violated and I wish your office
to intercede in obtaining all my child's records as indicated
-in aforesaid letter of June 22, 1978.

Awaiting your response, I remain

Very truly yours,

MS. OLGA OGROD
Tomlinson Ct. Apts. F-7A
1761 Foster Street
Philadelphia, Pa. 19116

OO/mf.
enc. - lett. - psych. rep.
cc to to the following:
Bruce Jacobs-Loesche School
Robt. Lear-21st & Parkway
Dr. Tillery 1300 Spring Eden St.
Dist # 8 Supt.
ELC

June 22, 1978

Mr. Bruce Jacobs
Principal
William M. Loesche Public School
Bustleton Avenue and Tomlinson Road
Phila., Pa. 19116

Dear Mr. Jacobs:

Enclosed find "Request for Permission to Evaluate" form returned unsigned as I see no need for same.

My son, Greg, is a healthy, spirited 11-year old who is respected in his home, community, church, camp, etc. In the past ten months, he has received the following awards and citations attesting to same:- He has received the Bravery Award awarded by Police Commissioner O'neil for saving the Committeewoman's life. He has received a specially inscribed Liberty Bell from Mayor Frank Rizzo, delivered personally denoting his outstanding performance as a first-class citizen in total control of all his faculties. He has been honored by the Greater Bustleton Civic Association with a plaque for outstanding service to his fellowmen and his neighbors. He has been cited by City Council for his contributions to his community. One of the last, received a few weeks ago, a Congressional Citation for his concern for his fellowmen.

When Greg was only eight years old, he had the mature presence of mind to leave his play immediately and stop his neighbor from being electrocuted, risking his own life.

During the past year, he has held many jobs at Neshaminy Mall where his mother is employed, paying for the cost of electronic equipment, batteries and soldering irons. This past Christmas season, he came directly from school to help his mother manage a Christmas Stocking Stand for five weeks, one of two jobs she held. Greg set up merchandise, waited on customers and helped with the entire operation.

Every Monday evening during the past semester, my son, Greg went swimming at the "Y", so his mother could earn college credits. He is a respected citizen that gets along well wherever - with friend and neighbor.

June 22, 1978

In view of P. L. 94-142, effective October 1, 1977, (a new federal law), my son, Greg as well as myself, a parent, have been discriminated against and denied our rights to Due Process under the United States Constitution, and outlined under said law. NAMELY:

1. As the parent and guardian of Greg, I received NO NOTICE in WRITING of an impending evaluation. (whatever?)

I was called at work to come in immediately to sign a permission slip to test Greg. (whatever?)

2. There was no READING OF RIGHTS under P. L. 94-142 when I was ushered in and told I must sign.

3. I was not given the opportunity to REFUSE the tests (whatever?) or to have my son PRIVATELY EVALUATED as per said law.

It is imperative and of utmost importance at this time for the present and future welfare of my child, Greg, that:-

1. A copy of everything in Greg's school record is sent to me to review, as well as

2. A copy of EVERY test that was performed for said evaluation (whatever?), as well as

3. A copy of Parental Permission Slip I was forced to sign, being told I must come in immediately from work, as well as

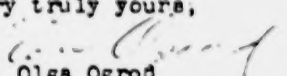
4. A copy of the referral for such tests, evaluation (whatever?) as well as

5. An explanation of WHO initiated same and WHY it was initiated immediately following Greg's removal from Mrs. Nuttle's class at my request because she was physically and psychologically abusing my son, Greg.

6. I want an exact copy of the California Tests taken by my son, Greg, for this semester.

My rights to the above are affirmed by Federal Law.

Very truly yours,


Ms. Olga Ogrod
Tomlinson Ct. Apts. F-7A
1761 Foster Street
Phila., Pa. 19116

OO/ml

enc.

Cert. Not. Rec.

cc-Robert Lear 21st & Parkway, Phila., Pa. 19103

Dr. Win. Tillery 1300 Spring Garden Street, Phila., Pa. 19103
Dist # 8 Supt.

ELC

THE SCHOOL DISTRICT OF PHILADELPHIA
BOARD OF EDUCATION
21st Street S. of The Parkway
19103

Dear Parent

The School District of Philadelphia would like to provide an evaluation for Greg Ogrod
who attends the Loesche School to assure that your child has an appropriate education program. Your child has
been referred for evaluation for the following reasons: It is felt (by the psychologist) that he would benefit
from participation in a program for the socially and emotionally disturbed.

Our plan for evaluation includes

Type of Test/Procedure	Proposed Date of Evaluation
<u>Educational Evaluation</u>	<u>to be determined</u>
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____

You have the right to see and study all the information in your child's school record. Since all of your questions may not be answered by re-
viewing these records, you may also wish to meet with school personnel or evaluator(s) to discuss the recommended referral and/or the evaluation pro-
cedures. To obtain your child's records or to arrange a conference you may call _____

If this is the case, please indicate your decision by signing in the appropriate space below.

You may already have enough information to reach a decision about the evaluation without reviewing your child's records or requesting a con-
ference.

If the evaluation shows that your child is eligible for special education programs and services, we will ask for your assistance in preparing an
Individualized Education Program (IEP). You also have the right to request a hearing concerning this proposed evaluation. No evaluations may be
conducted without your written approval or the approval of a due process hearing officer.

Please respond to one of the following statements.

I agree to an evaluation as described above, and I will call for an appointment to review my child's school records and/or for a conference before
the evaluation.

Date

Signature of Parent

I agree to an evaluation as described above, but I will not review my child's records or schedule a conference before the evaluation.

Date

Signature of Parent

I do not agree to an evaluation as described above.

Date

Signature of Parent

Please return this letter in the enclosed envelope within ten (10) days of the date you received it. Thank you for your cooperation.

Sincerely,

School

Principal

Encl. envelope

T 700 (12/77) REQUEST FOR PERMISSION TO EVALUATE THE SCHOOL DISTRICT OF PHILADELPHIA

SCHOOL CODE NO. 844

REQUEST FOR PSYCHOLOGICAL SERVICE

LoosecheSCHOOL DIST. 1Bruce Jacobs

PRINCIPAL

DATE OF REQUEST 1/4/78, 19

DIRECTIONS: MAKE FIVE COPIES FORWARD FOUR COPIES TO THE DIVISION OF SPECIAL EDUCATION

LAST NAME OF PUPIL <u>Greg</u>	FIRST NAME AND INITIALS <u>Gregory</u>	SEX	DATE OF BIRTH	GRADE	THIS SCHOOL HAS FACILITIES FOR PUPILS
		M F	MO DAY YEAR		
			<u>02 28 67</u>	<u>5</u>	ADDITIONAL SPECIAL CLASS
ADDRESS <u>1761 Foster St</u>	CITY <u>Phila</u>	ZIP CODE <u>19116</u>	TELEPHONE <u>866-1275</u>	PARENTS NAMES <u>Walter/Ojys (Div)</u>	

HAS PUPIL HAD A PSYCHOLOGICAL EXAMINATION WITHIN THE PAST YEAR? No IF "YES" GIVE DATE

PLEASE INCLUDE IN YOUR REFERRAL THE FOLLOWING INFORMATION:

1. WHY IS THE CHILD BEING REFERRED FOR A PSYCHOLOGICAL EXAMINATION? GIVE DETAILS OF PROBLEMS CHILD IS PRESENTING (BEHAVIOR ATTENDANCE ETC.)
2. LATEST ACHIEVEMENT LEVELS (READING ARITHMETIC) GROUP TEST RESULTS AND GENERAL SCHOOL PROGRESS
3. FAMILY STRUCTURE (NAME AND ADDRESS)
4. RESULTS OF PARENTAL INTERVIEWS
5. PERTINENT MEDICAL & DEVELOPMENTAL HISTORY
6. WHAT MEASURES HAS THE SCHOOL TAKEN TO ALLEVIATE THE PROBLEM USING SCHOOL AND COMMUNITY RESOURCES?
7. WHAT INFORMATION OR OUTCOME OF THIS EXAMINATION IS PARTICULARLY DESIRED?

(PLEASE SUBMIT CONFIDENTIAL INFORMATION ON A SEPARATE SHEET. SINGLE COPY)

DO NOT USE REVERSE SIDE

REASON FOR REFERRAL:

Greg's teacher reports that Greg acts in a hyper-active manner in class to the point that he cannot function normally within the context of the regular class setting. He often leaves his seat without permission, constantly talks, and is a serious disturbance to those around him. His need for attention is generally acted out in a very negative manner. He is presently working at level 10 in Math and 8 in Reading. It is our feeling that Greg's problems are partly responsible for his inability to realize his academic potential. This request for service is being made in order to help determine the most appropriate educational placement and/or program for Greg.

BACKGROUND FOR INFORMATION:

Greg lives with his mother. His parents are divorced. His older brother, Walter, age 13, lives with Greg's father.

MEDICAL RECORDS:

Medical records indicate no apparent medical defects.

CONFIDENTIAL REPORT-FOR USE BY SCHOOL PERSONNEL ONLY

ANYONE ELSE DESIRING INFORMATION CONTAINED IN THIS REPORT SHOULD BE REFERRED TO THE DIVISION OF SPECIAL EDUCATION.

LAST NAME OGROD	FIRST NAME AND INITIALS GREGORY	DATE OF BIRTH				AGE		PARENTS' FIRST NAMES OR GUARDIAN'S FULL NAME
RESIDENCE 1761 Foster St.	19116	SEX M	MO. 2	DAY 28	YEAR 67	YRS. 10	MO. 11	Walter/Olga (div.)
NAME OF SCHOOL Loesche		DISTRICT 8	DATE OF RECORD 1 30 78			GRADE 5		ADMISSION TO GRADE FROM / / 19
							ATTENDANCE	

RESULTS

(P = USE FOR STATE REPORT)

TEST: **WISC-R** I.Q. **106** M.A.
(VERBAL I.Q. **109** : PERFORMANCE I.Q. **102**)

READING	WORD RECOGNITION	7.0 grade level
	PARAGRAPH COMPREHENSION	
	COMMENT	

WRITTEN WORK	WORD SPELLING	6.3 grade level
	SENTENCES	

ARITHMETIC	COUNTS TO	MONEY CONCEPT	TIME CONCEPT
	ADDITION		WITH/NO CARRYING
	SUBTRACTION		WITH/NO BORROWING
	MULTIPLICATION		DIGIT MULTIPLIER
	DIVISION		DIGIT DIVISOR
	FRACTIONS		
	DECIMALS		
	NUMBER FACTS +		
COMMENT	4.5 grade level		

OTHER TESTS USED

DATES OF PREVIOUS PSYCHOLOGICAL EXAMINATIONS

VISUAL ACUITY				HEARING		
10-20 FEET						
WITHOUT GLASSES		WITH GLASSES		DATE		
RIGHT	LEFT	RIGHT	LEFT			

DEFECTIVE SPEECH ☐ SPEECH CLASS ☐ DOMINANCE EYE ☐ HAND ☐

PERTINENT DEVELOPMENTAL/MEDICAL DATA

PREMATURE BIRTH	VISUALLY HANDICAPPED
DEVELOPMENTAL ANOMALY	HEARING HANDICAPPED
SLOW EARLY DEVELOPMENT	ORTHOPEDICALLY HANDICAPPED
SERIOUS ILLNESS OR ACCIDENT	PROLONGED HOSPITALIZATION
SEIZURES	HEART CONDITION
DIAGNOSED EMOTIONAL DISORDER	ALLERGIES
IS UNDER PSYCHO THERAPY	NERVOUS CONDITIONS OR DISEASES
GROSSLY OVER OR UNDER WEIGHT	CHRONIC ENURESIS
POOR MOTOR COORDINATION	

SUMMARY OF FINDINGS AND RECOMMENDATIONS:

EXAMINATION #1

BACKGROUND INFORMATION: See attached EH-75 for summary of reason for referral. In addition, Greg's teacher reports that Greg does not work independently, rarely completes assignments and has poor peer relations.

PSYCHOLOGICAL FACTORS: Greg was friendly and cooperative during evaluation, but did appear unsure of himself in many areas. Praise proved to be an effective motivator with Greg; his pleasure at being told he was doing well was clear. Greg's mode of attack was impulsive and he exhibited a low frustration tolerance.

Greg is currently functioning in the average range of intelligence. Cognitive abilities appear to be evenly developed at an average or above level. Perceptual development appears adequate at this time. Today's assessment of academic achievement reveals good word recognition and spelling skills. The school, however, describes Greg's reading skills as "spotty" and he is presently in a slow reading group. Math falls approximately one year behind grade expectation and potential. Greg became visibly nervous during the math section and his performance reflected his impulsive approach which resulted in careless mistakes.

(continued)

CONFIDENTIAL REPORT-CONTINUED

LAST NAME OGRAD	FIRST NAME AND INITIALS GREGORY	DATE OF BIRTH				C. A.		PARENTS' FIRST NAMES OR GUARDIAN'S FULL NAME
RESIDENCE	ZONE	SEX	MO	DAY	YEAR	YRS	MOB	
		M		2	28	67		
NAME OF SCHOOL		DISTRICT	DATE OF RECORD			GRADE		
Loesche							5	

Analysis of projective data and clinical interview reveal a confused, unhappy boy whose feelings of insecurity, stemming from family relationships, have generalized to academic and social functioning. In school, Greg seeks the attention he feels is lacking in the home, in negative ways and this interferes with both his and classmates' progress. Evidence of strong sibling rivalry was seen. Greg's anxiety cuts into concentration and hampers functioning in the large class setting.

RECOMMENDATIONS: 1. Greg, a mildly underachieving youngster of average intelligence, is presently experiencing emotional concerns that manifest themselves in constant aggressive behavior in the classroom. It is felt that he would benefit from participation in a program for the socially and emotionally disturbed child. Greg needs a highly structured, supportive environment to help him make a better adjustment to the academic setting.

2. Since Greg's emotional problems may stem from family interaction, the possibility of seeking help for Greg and his mother, together or on an individual basis, should be investigated.

CC: Principal, Loesche

Marjorie Pollock C.M.
Marjorie Pollock, Psychologist

DATE MAILED

MAR 30 1978

FILE COPY.

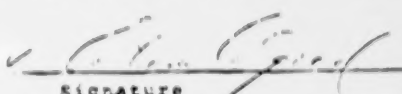
COPIES TO

PSYCHOLOGIST

WILLIAM H. LOESCHE SCHOOL
Bustleton Ave. & Tomlinson Road
Philadelphia, Pa. 19116

Dear Mr. Jacobs:

I hereby authorize the School District of Philadelphia to provide an individual psychological examination for my child Gregory Cyril at a time and date to be specified by you. I understand that the purpose of this examination is to help the school determine the best course of future action with regard to my child's educational progress.


Signature

NAME Gregory Cyril

ADDRESS 1761 Foster Street Phila Pa 19116

PHONE NO. HO-4-1275

DATE 1/12/78

WE SIGN & RETURN

THE SCHOOL DISTRICT OF PHILADELPHIA

BOARD OF EDUCATION

31st Street at The Parkway
19103

1/14/80
DATE

Dear Parent:

The School District of Philadelphia would like to provide an evaluation for GREG O'CARO B7-3
who attends the BALDWIN MIDDLE School to assure that your child has an appropriate education program. Your child has
been referred for evaluation for the following reasons: EDUCATIONAL ASSESSMENT

Our plan for evaluation includes:

Type of Test/Procedure	Proposed Date of Evaluation
1. <u>INTELLIGENCE EVAL</u>	1. <u>BEFORE MARCH 1980</u>
2. <u>EDUCATIONAL EVAL</u>	2. <u>BEFORE MARCH 1980</u>
3. _____	3. _____
4. _____	4. _____

You have the right to see and study all the information in your child's school record. Since all of your questions may not be answered by reviewing these records, you may also wish to meet with school personnel or evaluator(s) to discuss the recommended referral and/or the evaluation procedure. To obtain your child's records or to arrange a conference you may call MA HESSEL CAMPBELL

BALDWIN MIDDLE, 9AM - 5PM DAILY MONDAY THROUGH FRIDAY
If this is the case, please indicate your decision by signing in the appropriate space below:

You may already have enough information to reach a decision about the evaluation without reviewing your child's records or requesting a conference. If this is the case, please indicate your decision by signing in the appropriate space below:

If the evaluation shows that your child is eligible for special education programs and services, we will ask for your assistance in preparing an Individualized Education Program (IEP). You also have the right to request a hearing concerning this proposed evaluation. No evaluations may be conducted without your written approval or the approval of a due process hearing officer.

Please respond to one of the following statements:

I agree to an evaluation as described above, and I will call for an appointment to review my child's school records and/or for a conference before the evaluation.

Date: _____ Signature of Parent: _____

I agree to an evaluation as described above, but I will not review my child's records or schedule a conference before the evaluation.

Date: _____ Signature of Parent: _____

I do not agree to an evaluation as described above.

Date: _____ Signature of Parent: _____

Please return this letter in the enclosed envelope within ten (10) days of the date you received it. Thank you for your cooperation.

Sincerely,

School: _____ Principal: _____

Encl. envelope

RECEIVED:

8/14/80

COURT OF COURT

FILED

AUG 11 1980

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

OLGA OGROD : CIVIL ACTION
and
GREG J. OGROD, a minor :
v. :
SCHOOL DISTRICT OF PHILADELPHIA (LEA) : NO. 80-2508

MEMORANDUM AND ORDER

VanARTSDALEN, J.

August 11, 1980

Civil Action 80-169, filed in this court, named the identical parties as Civil Action 80-2508. So far as can be determined from examination of the pleadings in C.A. 80-169 and the present case, C.A. 80-2508, the claims are likewise identical, or, at least, so interrelated as to prevent both actions from being simultaneously maintained in the same court.

Jurisdiction was alleged in C.A. 80-169 under (1) the fourteenth amendment; (2) the Administrative Procedure Act, 5 U.S.C. § 552; (3) the Education of All Handicapped Children Act, 20 U.S.C. § 1415 and (4) Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g. By order of April 17, 1980 the complaint was dismissed for failure to state a claim upon which relief could be granted as to the fourteenth amendment claim and for lack of subject-matter jurisdiction as to the remaining claims. However, leave was granted to file an amended complaint. An amended complaint was filed and by order of June 18, 1980, summary judgment was granted in favor of the defendant.

Judicial notice is taken that plaintiff filed a notice of appeal in C.A. 80-169 and the record was filed with the Court of Appeals for the Third Circuit on or about July 15, 1980.

Jurisdiction is alleged in C.A. 80-2508 under the Administrative Procedure Act and the fourteenth amendment. The decision in C.A. 80-169 bars the present action under the doctrine of res judicata. The motion to dismiss must be granted.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EILED

AUG 11 1980

OLGA OGROD : CIVIL ACTION
and :
GREG J. OGROD, a minor :
v. :
SCHOOL DISTRICT OF PHILADELPHIA (LEA) : NO. 80-2508

O R D E R

Upon motion of the School District of Philadelphia to dismiss the complaint, and in consideration of plaintiffs' memorandum in opposition thereto, the motion is GRANTED and the complaint is DISMISSED. Civil Action 80-2508 is DISMISSED.

BY THE COURT:

/s/ Donald W. K. [Signature]
J.

August 11, 1980.

8/11/80
OF COURT

FILED SEP 10 1980

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

OLGA OGROD : CIVIL ACTION
and :
GREG J. OGROD, a minor :
v. :
SCHOOL DISTRICT OF PHILADELPHIA (LEA) : NO. 80-2508

O R D E R

It is ORDERED that to the extent a document filed by Olga Ogrod on September 8, 1980 entitled, "Motion Directed to Honorable Joseph S. Lord, III, Chief Judge to Vacate Order of 8-11-80 Entered during Pendency of Request for Re-Assignment," is deemed to be a motion to the undersigned to recuse himself by reason of bias or prejudice, or is deemed to be a motion for reassignment of the case, or is deemed to be a motion to reconsider or vacate the order entered August 11, 1980, the same is DENIED and DISMISSED, Civil Action 80-2508 having heretofore been dismissed by order dated August 11, 1980.

September 9, 1980

(Signature)

ENTERED: 9-10-80

CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

OLGA OGROD
and

GREG J. OGROD Plaintiff

Vs.

SCHOOL DISTRICT OF PHILADELPHIA (LEA)
Defendant

Civil Action: 80-2508

FILED

ORDER

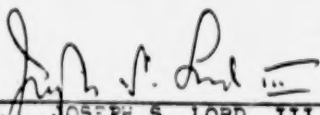
SEP 10 1980

MIC

By

AND NOW this 10th day of September 1980,

upon consideration of Plaintiffs' Motion to Vacate Order of 8-11-80
and Re-Assign Complaint CA 80-2508, the Motion is ~~denied~~ granted.


HON. JOSEPH S. LORD, III
CHIEF JUDGE

9-10-80

9/11/80 Copy mailed to Olga Ogrod
Robert T. Lord, Esq.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 80-2543

OGROD, OLGA and OGROD, GREG J., a minor,
Appellants

vs.

SCHOOL DISTRICT OF PHILADELPHIA (LEA)

(D.C. Civil No. 80-2508)

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Submitted Under Third Circuit Rule 12(6)
December 30, 1982
Before: GIBBONS, GARTH and MARIS, Circuit Judges

Olga Ogrod
Pro Se
1761 Foster Street
Philadelphia, Pennsylvania 19116

Robert T. Lear, Esquire
Assistant General Counsel
The School District of Philadelphia
Board of Education
Parkway at Twenty-First Street
Philadelphia, Pennsylvania 19103

Attorney for School District of Pennsylvania

JUDGMENT ORDER

Olga Ogrod and Greg J. Ogrod, a minor, appeal from an order dismissing their complaint alleging violations of the fourteenth amendment, 20 U.S.C. § 1415, and 20 U.S.C. § 1232(g), on the ground that it is barred by res judicata. We find no

error in that ruling.

It is ORDERED, ADJUDGED and DECREED that the judgment of the district court is affirmed.

Costs are taxed in favor of appellee.

BY THE COURT,

John J. McPherson
Circuit Judge

Attest:

Sally Mayes
Sally Mayes, Clerk

DATED: DEC 30 1982

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 80-2543

OGROD, OLGA and OGROD, GREG J., a minor,
Appellants

vs.

SCHOOL DISTRICT OF PHILADELPHIA (LEA)
(D.C. Civil No. 80-2508)

SUR PETITION FOR REHEARING

Present: SEITZ, Chief Judge, MARIS, ALDISERT, ADAMS, GIBBONS,
HUNTER, WEIS, GARTH, HIGGINBOTHAM, SLOVITER and
BECKER, Circuit Judges

The petition for rehearing filed by appellants in the above entitled case having been submitted to the judges who participated in the decision of this court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked

for rehearing, and a majority of the circuit judges of the circuit in regular active service not having voted for rehearing by the court in banc, the petition for rehearing is denied.

By the Court,

Dated: January 25, 1983

Carl R. Lewis
Judge

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 80-2543

OGROD, OLGA AND GREG J., a minor
Appellants

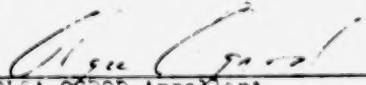
vs.

SCHOOL DISTRICT OF PHILADELPHIA (LEA)
(D. C. Civil No. 80-2508)

APPELLANTS' NOTICE OF APPEAL TO THE UNITED STATES
SUPREME COURT

*FILED WITHIN SEVEN (7) DAYS TO
STAY MANDATE*

APPELLANTS, Greg J. Ograd and Olga Ograd are appealing
the above captioned case to the United States Supreme Court.
The last order entered -- was January 25, 1983.


OLGA OGROD, Appellant
on behalf of Greg J. a minor

Dated: January 28, 1983